UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/546,137	08/19/2005	David A. Blaker	026032-4947	1344

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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

EXAMINER
BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 August 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23 and 25-28* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-23 and 25-28* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

This action is responsive to communication filed on August 11, 2008.

Response to Amendment

The examiner has acknowledged the amendment of claims 18, cancellation of claim 24, and the addition of claims 25-29.

Response to Arguments

Applicant's arguments with respect to claims 1-23, 25-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-22, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Dykema et al. US Patent 5854593.

Regarding claim 18, Dykema et al. teaches initiating a training sequence (col. 4 lines 27-32);

identifying and storing a control code of the RF control signal ((col. 6 lines 14-20, col. 17 lines 15-20) ;

identifying the data characteristic of the RF control signal (col. 18 lines 15-20) and

identifying a frequency based on a data characteristic of the number of rising edges appearing in

the received signal over a period of a predetermined time interval (col. 17 lines 1-14).

Regarding claim 19, Dykema et al. teaches the control circuit stores a radio frequency

(col. 17 lines 15-20).

Regarding claim 20, Dykema et al. teaches initiating the training sequence with the

actuation of a switch (col. 16 lines 32-47).

Regarding claim 21, Dykema et al. teaches the training sequence is initiated when a

signal is received by the transceiver (col. 19 lines 49-55).

Regarding claim 22, Dykema et al. teaches the transceiver is mounted in a vehicle (col. 5

lines 41-49) and teaches using a display device connected to a vehicle bus to inform the user to

initiate a training sequence (col. 6 lines 60-67).

Regarding claim 28, Dykema et al. teaches identifying a manufacturer based on the data

characteristic (col. 25 lines 41-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5, 8-11, 13-14, 16-17, 25-26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Roddy et al. US Patent 6078271 in view of Tsui US Patent 6556813.

Regarding claims 1, 8-10, 16, Roddy et al. teaches a transceiver comprising an antenna

(figure 1);

a wideband receiver (30) coupled to the antenna for receiving a control signal from a

remote transmitter (col. 2 lines 41-50);

a control circuit (24) coupled to the wideband receiver and the control circuit has a

training mode in which control code is identified and stored (col. 3 lines 14-35). and identify the

frequency of the control signal (col. 3 line 55-col. 4 line 15). Roddy et al is silent on teaching

identifying the RF frequency based on the data characteristic of the control signal. Tsui in an

analogous art teaches identifying the RF frequency based on the characteristic of the control

signal provided by the wave envelope (col. 5 lines 42-51).

It would have been obvious to one of ordinary skill in the art to modify the system of

Roddy et al. as disclosed by Tsui because detecting the frequency of the control signal based on

the signal characteristic provides a reliable means for a universal transceiver to detect and

emulate a control signal.

Regarding claim 2, Roddy et al. teaches the control circuit stores the frequency (col. 4

lines 12-15).

Regarding claims 3, 11, Roddy et al. teaches the code is fixed (col. 4 lines 60-61).

Regarding claim 5, 13-14, Roddy et al. teaches the control circuit retrieves the control code and the frequency and generates the control code including the control code and the RF frequency and transmits the control code to activate the device (col. 4 lines 16-27).

Regarding claim 17, Roddy et al. teaches the control circuit generate RF control signal at each of the frequencies (col. 4 lines 16-27).

Regarding claims 25-26, Roddy et al. is silent on teaching selecting the RF frequency from a pre-stored list of frequencies based on the data characteristic. Tsui in an analogous art teaches determining the frequency base on the number of transitions counted (col. 7 lines 28-41). It is therefore the examiner position that the use of the counts to determine the frequency requires the storage of the frequency for enabling the association between the count and the frequency.

It would have been obvious to one of ordinary skill in the art to modify the system of Roddy et al. as disclosed by Tsui because selecting the RF frequency from a pre-stored list of frequencies based on the data characteristic enables a more effective operation of the learning process of the transceiver.

Claims 4, 7, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roddy et al. US Patent 6078271 in view of Tsui US Patent 6556813 and further in view of Dykema et al. US Patent 5854593.

Regarding claim 4, 7, 12, and 15, Roddy et al. teaches the use of encrypted rolling code but is silent on teaching the control circuit identify an encryption algorithm based on the data

characteristic of the control signal. Dykema et al. in an analogous art teaches the control code is an encrypted rolling code and the controller identifies the algorithm based on the data characteristic of the received signal (col. 25 lines 14-24, col. 25 lines 41-50). Dykema et al. also teaches the tuning of the receiver (col. 7 lines 29-33).

It would have been obvious to one of ordinary skill in the art to modify the system of Roddy et al. as disclosed by Dykema et al. because identifying an encryption algorithm based on the data characteristic of the control signal provides a reliable means for a universal transceiver to detect and emulate a control signal.

Claims 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykema et al. US Patent 5854593 in view of Tsui US Patent 6556813.

Regarding claim 23, Dykema et al. teaches the tuning of the receiver (col. 7 lines 29-33) but is silent on teaching a wideband receiver. Tsui in an analogous art teaches a wideband receiver and the receiver is tuned to a desired frequency (col. 4 lines 34-48).

It would have been obvious to one of ordinary skill in the art to modify the system of Dykema et al. as disclosed by Tsui because a tuned receiver provides a more versatile receiver and allows for the detection of a wide range of frequencies.

Regarding claim 27, Dykema et al. is silent on teaching selecting the RF frequency from a pre-stored list of frequencies based on the data characteristic. Tsui in an analogous art teaches determining the frequency base on the number of transitions counted (col. 7 lines 28-41). It is

therefore the examiner position that the use of the counts to determine the frequency requires the storage of the frequency for enabling the association between the count and the frequency.

It would have been obvious to one of ordinary skill in the art to modify the system of Dykema et al. as disclosed by Tsui because selecting the RF frequency from a pre-stored list of frequencies based on the data characteristic enables a more effective operation of the learning process of the transceiver.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dykema et al. US Patent 5854593 in view of Roddy et al. US Patent 6078271.

Regarding claim 29, Dykema et al. teaches initiating a training sequence (col. 4 lines 27-32);

identifying and storing a control code of the RF control signal ((col. 6 lines 14-20, col. 17 lines 15-20) ;

identifying the data characteristic of the RF control signal (col. 18 lines 15-20) and identifying a frequency based on a data characteristic of the number of rising edges appearing in the received signal over a period of a predetermined time interval (col. 17 lines 1-14);

. identifying a manufacturer based on the data characteristic (col. 25 lines 41-65). Dykema et al. is silent on teaching a wideband receiver coupled to the antenna. Roddy et al. in an analogous art teaches the use of a wideband receiver (col. 2 lines 41-50);

It would have been obvious to one of ordinary skill in the art to modify the system of Dykema et al. as disclosed by Roddy et al. because the wideband receiver allows the transceiver to detect and emulate control signals of a wide range of frequencies.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/
Examiner, Art Unit 2612
December 2, 2008